

REMARKS***Telephone interview***

Applicants' representative wishes to thank Examiner Qian for extending the courtesy of a telephone interview on November 13, 2003, and for the helpful discussion that ensued. During the interview, the remaining rejections were discussed, along with suggestions for amended claim language, which are reflected in this response.

Status of the claims

Claims 1, 3-4, 6-10, 12, 14-15, 17-19, 21-33, and 35-97 were pending in the present application.¹ By this response, claims 1, 4, 12, 15, and 33 have been amended, claims 21-32, 40-64, 84, and 87 have been canceled, and new claims 98-110 have been added. Therefore, claims 1, 3-4, 6-10, 12, 14-15, 17-19, 33, 35-39, 65-83, 85-86, and 88-110 are currently under consideration.

The amendments to the claims are supported by the specification as follows: Support for the amendments to claims 1, 4, 12, 15, and 33 may be found, for example, on page 17, lines 6-16 and on page 21, lines 6-17. Support for new claims 98-109 may be found, for example, on page 17, lines 6-16, and support for new claim 110 may be found, for example, on page 26, lines 11-25. Claim 33 was amended to delete the word "or" in the third line of the claim to correct a clerical error.

With respect to any claim amendments or cancellations, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

¹ The Office Action Summary fails to reflect the previous cancellation of claim 5.

Cancellation of withdrawn claims

In the Office Action, the Examiner states that a complete reply to the final rejection must include cancellation of nonelected claims, in accordance with MPEP §821.01. Applicants respectfully note that this section of the MPEP does not require cancellation of nonelected claims. Rather, the MPEP §821.01 states that a reply to a final action that otherwise places the application in condition for allowance will be construed as authorization to cancel these claims by examiner's amendment and pass the application to issue after the expiration of the period to reply. However, in order to expedite prosecution, Applicants have cancelled the withdrawn claims in this amendment.

Information disclosure statement

Applicants respectfully note that the Examiner has not initialed and returned the Form 1449 submitted with a Supplemental Information Disclosure Statement (SIDS) filed on July 10, 2003. This SIDS was resubmitted by hand delivery on September 11, 2003, after the Examiner indicated that it could not be located at the Patent Office. During the telephone interview of November 13, 2003, the Examiner stated that she had received the SIDS originally filed on July 10, 2003. Applicants would appreciate the Examiner initialing and returning the Form 1449 from the July 10, 2003 SIDS, indicating that the references therein have been considered and made of record.

With this response, Applicants are filing a further SIDS. Applicants would appreciate the Examiner initialing and returning the Form 1449 submitted herewith.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1, 3-10, 12, 14, 15, 17-19, 33, 35-39 and 65-97 are rejected under 35 U.S.C. §112, second paragraph, as allegedly incomplete for omitting essential steps.

Applicants respectfully traverse this rejection, and maintain that the claims are clear as written and reiterate arguments of record. However, solely to expedite prosecution, Applicants have amended the claims to recite that the claimed treatment method comprises administering an effective

amount of the claimed conjugate to an individual. This amendment was discussed in the telephone interview of November 13, 2003. In a telephone subsequent conversation with Applicants' representative on November 25, 2003, Examiner Qian stated that amending the claims in this way would be sufficient to overcome the rejection.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

The claims are rejected under 35 U.S.C. §112, second paragraph as allegedly unclear as to whether the polynucleotides recited in the claims encompass double stranded or single stranded DNA.

Applicants respectfully traverse this rejection and maintain that the claims are clear as written and reiterate arguments of record. However, solely to expedite prosecution, claims 1, 12, and 33 have been amended to recite that the claimed polynucleotides comprise single stranded or double stranded sequences, and claims 4 and 15 have been amended to recite that the claimed polynucleotides are double stranded, rendering the rejection moot. In the telephone interview on November 13, 2003, Examiner Qian stated that amending the claims in this way would be sufficient to overcome this rejection.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

CONCLUSIONS

Applicants have, by way of the amendments and remarks presented herein, removed the issues for the rejections and addressed all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or fees due in connection with this document to **Deposit Account No. 03-1952** referencing docket no. 252312007400

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Respectfully submitted,

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